

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA)
) Case No. 3:91CR00003
v.)
)
KENT MURRAY JOHNSON,)
)
) **OPINION**
)
)
) By: James P. Jones
 Defendant.) Chief United States District Judge

On October 26, 1992, the court sentenced the defendant in connection with a crack cocaine conviction. In so doing, the court considered the federal sentencing guidelines as required under 18 U.S.C. § 3553(a).

Pursuant to its statutory authority, the United States Sentencing Commission has amended the federal advisory sentencing guidelines applicable to criminal cases involving cocaine base or crack cocaine, effective November 1, 2007. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008, the amended guideline provisions will apply retroactively to offenders who were sentenced under prior versions of the sentencing guidelines, and who are still incarcerated. Stated generally, the practical effect of the Sentencing Commission's actions is that certain federal defendants convicted of offenses involving crack cocaine may be eligible for a reduction in their current sentences, pursuant to the provisions of 18 U.S.C. § 3582(c)(2).

On March 3, 2008, the court received a letter from the defendant which the court treated as a Motion to Reduce Sentence pursuant to § 3582(c)(2).

Having considered the defendant's Motion to Reduce Sentence, the court concludes that the motion must be denied. The defendant plead guilty to conspiring to possess with intent to distribute crack cocaine, in violation of 21 U.S.C.A. § 846, and engaging in a continuous criminal enterprise, in violation of 21 U.S.C.A. § 848. The defendant was found to be responsible for 17 kilograms of crack cocaine. Under the amended guidelines, the base offense level for 17 kilograms of crack cocaine is 38. At his original sentencing, the defendant received a four-point enhancement pursuant to USSG § 2D1.5 and a two-point enhancement for obstructing justice. Therefore, the defendant's total offense level under the amended guidelines is 44. With a Criminal History Category of I, the amended guidelines recommend life imprisonment, the same as at the defendant's original sentencing. Pursuant to a Substantial Assistance Motion, the defendant was sentenced to a 300-month term of incarceration. This court will not further reduce the defendant's sentence.

A separate judgment will be entered.

The Clerk will send copies of this opinion to the defendant at his place of confinement and to the United States Attorney's Office.

ENTER: March 7, 2008

/S/ JAMES P. JONES
Chief United States District Judge